

REMARKS

Claims 1-12, 14-25 and 28-31 are pending in this application. By this Amendment, claims 1-11, 14-21, 23-25 and 28-31 are amended, and claims 13, 26 and 27 are cancelled, without prejudice to or disclaimer of, the subject matter recited therein. Claim 1 is amended for clarity and to include the subject matter of claims 10, 11 and 13. Support for the amendment to claim 1 can also be found at least in Figs. 12-15, and the corresponding descriptions. Claims 2-11, 14-21, 23-25 and 28-31 are amended for clarity. No new matter is added.

The Office Action rejects claims 1-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¹ The rejection of claims 1-12, 14-25 and 28-31 is respectfully traversed. Claims 13, 26 and 27 are cancelled, and thus the rejection of claims 13, 26 and 27 is moot.

MPEP §2173.02 states that the "test for definiteness under 35 U.S.C. §112, second paragraph, is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification'" (citing *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986)). With respect to independent claim 1, Applicants respectfully submit that one skilled in the art would find the subject matter of claim 1 is clear and definite. Particularly, claim 1 clearly recites a first storage section stores first reference information and second storage section stores second reference information, which is further supported and defined in the specification (see, for example, page 4, lines 5-12, page 6, lines

¹ Applicants note that although the Office Action only indicates dependent claims 2-25 are rejected under 35 U.S.C. §112, second paragraph, because of their dependence on claim 1, claims 28-31 are also dependent on claim 1 directly or indirectly. Accordingly, Applicants interpret the Office Action as intending to reject claims 28-31 as well.

9-27, and page 7, lines 1-14). Accordingly, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1-4, 8, 10, 17 and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,719,950 to Osten et al. (hereinafter "Osten"); rejects claims 26 and 27 under 35 U.S.C. §102(e) over U.S. Patent No. 6,985,887 to Sunstein et al. (hereinafter "Sunstein"); rejects claims 11-13, 16, 18-20, 22-25 and 28-31 under 35 U.S.C. §103(a) over Osten in view of U.S. Patent No. 6,327,376 to Harkin; rejects claims 5-7 under 35 U.S.C. §103(a) over Osten in view of English translation of Japanese Patent No. 000422 to Yasukawa et al. (hereinafter "Yasukawa"); and rejects claim 9 under 35 U.S.C. §103(a) over Osten in view of Sunstein. As discussed above, claim 1 is amended to include the subject matter previously recited in claims 10, 11 and 13. Claims 10 and 11 are also amended, and claims 13, 26 and 27 are cancelled. These rejections of claims 1-12, 14-25 and 28-31 are respectfully traversed, and the rejections of cancelled claims 13, 26 and 27 are moot.

Both Osten and Harkin, alone or in a reasonable combination, fail to disclose or even suggest, a personal verification device that includes the "fingerprint sensor including a signal detection element and a signal amplification element," in which the signal detection element includes a capacitance detection electrode and a capacitance detection dielectric film that covers the capacitance detection electrode, and the signal amplification element being formed of a signal amplification thin film MIS semiconductor device which includes a gate electrode, a gate insulating film, and a semiconductor film, and the gate electrode being connected to the capacitance detection electrode, as recited in independent claim 1.

The Office Action alleges both Osten and Harkin disclose these features. Applicants respectfully disagree to these assertions.

In particular, with respect to Osten, the Office Action cites Figs. 4-6 for allegedly disclosing these features. However, Osten at least fails to disclose any structure that can be

equated a fingerprint sensor that detects a capacitance, as recited in claim 1. Osten merely discloses a CCD camera.

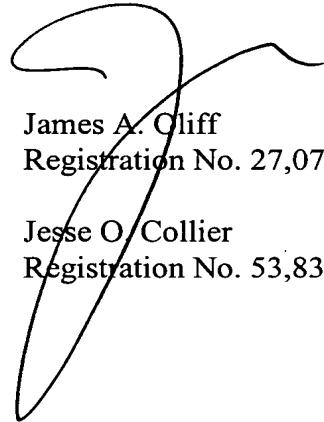
Further, with respect to Harkin, the Office Action cites col. 1, line 63 - col. 2, line 20, and col. 6, lines 24-41, for allegedly disclosing the above-described features. However, Harkin fails to disclose a signal amplification element of which a gate electrode is connected to a capacitance detection electrode, as recited in claim 1. For at least these reasons, Osten and Harkin, alone or in a reasonable combination, do not disclose or even suggest all of the features of independent claim 1.

Furthermore, claims 2-12, 14-25 and 28-31, which depend from independent claim 1, are also patentable at least in view of the patentability of claim 1, as well as for the additional features they recite. Additionally, neither Yasukawa nor Sunstein satisfy the deficiencies of Osten. Accordingly, Applicants respectfully request withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 15, 2007

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